WP(C) 1774/2007

BEFORE

HON'BLE JUSTICE MR I. A. ANSARI

Heard Mr. A. S. Choudhury, learned Senior counsel, appearing on behalf of the petitioner, and Mr. M. R. Pathak, learned counsel appearing on behalf of the respondents Nos. 1 to 4.

The petitioner made a representation (Annexure-F), on 30.03.07, addressed to the respondent No. 2, namely, the Commissioner to the Govt. of Assam, Education Department (Higher), seeking condonation of her age, pay protection as well as pension benefit. While it is contended, on behalf of the petitioner, that the respondent No. 2 is competent, in the facts of the present case, to condone the age and allow pay protection as well as pension and pensionery benefits to the petitioner, the respondents contend that the representation made by the petitioner, addressed to the respondent No. 2, is premature and the question of condonation of age will arise only after the petitioner is appointed by Dibru College.

Considering the matter in its entirety and in the interest of justice, it is hereby directed that the respondent No. 2 shall examine and consider the petitioner's said representation in accordance with law, in the light of the relevant facts and in terms of the relevant Government policy and, then, make a speaking order. Whatever order is passed by the respondent No. 2, the same shall be communicated, in writing, to the petitioner. The whole exercise, so directed, shall be completed within a period of three weeks from the date of receipt of a certified copy of this order by the respondent No. 2. The petitioner shall furnish to the respondent No. 2 a certified copy of this order along with copies of this writ petition and annexures thereto. If the petitioner feels aggrieved by the decision, which may be reached by the respondents/authorities concerned, the petitioner shall be at liberty to take recourse to such provisions of law as may be permissible.

With the above observations and directions, this writ petition shall stand disposed of.